

Attorney Docket No.: 23002.1000

REMARKS

In view of the amendments provided above, in conjunction with the following remarks, the applicant respectfully submits that each and every issue raised by the Office in the Official Communication has been fully addressed.

In paragraphs 1-2, the Office has rejected claims 1-14 based on 35 U.S.C. section 112 stating that the claims are indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. The basis of the Office's rejection is that the claims recite an apparatus but, the claims include the element of a roller track clasp and a shim associated with either a roller track shaft or the door assembly. The Office indicates that this is not an apparatus but rather a combination of the apparatus with the roller shaft. The applicant respectfully disagrees with the Office's position and has amended the claims to more precisely recite the claimed elements. The invention claimed in claims 1-14 basically include a combination of two components, the roller track clasp and the shim. The claims have been amended to more clearly indicate that what is claimed is a structure that includes a combination of these components.

In paragraphs 3-4, the Office has rejected claims 1, 8-13 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,985,976 awarded to Clark. The Office alleges that Clark shows a clasp (40), a block portion (42) and a shim portion (29) and further indicates that the shim portion is attached to the shaft portion (20). The applicant appreciates the Office's careful review of the Clark reference but respectfully suggests that due to errors in the Clark reference, the Office appears to have mischaracterized the Clark disclosure.

The Office has indicated that the shaft portion (20) includes a shim (29). First of all, the element (20) in the Clark reference actually refers to a curved portion of the track (see column 2 line 25 and Fig. 2). It appears that the Office actually is referring to the offset arm (30) rather than element (20). This oversight is most likely the result of an error that is present in Fig. 9 where of the offset arm of member (29) is labeled as element (20). Thus, for purposes of this response, the applicant will assume that the Office is alleging that Clark discloses a shim portion (29) that is attached to the shaft portion (30). The applicants further disagree with this position.

The member (29) is described in the Clark reference as a U-shaped member having an offset arm (30) on which the roller (24) is journaled. Comparing this to the claimed invention, the applicant respectfully submits that Clark does not describe, suggest or teach the

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claimed element of a shim mounted onto the roller shaft as recited in amended claim 1 and onto the garage door as recited in claim 11.

The U-shaped member (29) described in Clark is a single structure that includes an offset arm (30) on which the roller (24) is journaled. The U-shaped member is rotatable with respect to sections (27) and (28). Each roller in the garage door system includes this U-shaped member (29). Mounted onto the railing are arms (42) that include a pivot (41). Each arm (42) is also connected to a link (43). The end of each arm (42) includes a notch (44) which is adapted to receive the U-shaped member (29). The lowest arm (42) includes an extension (45). As the door is moved into a closed position, the U-shaped member (29) associated with the lowest roller (26) engages the extension (45) causing the arm (42) to pivot and thereby pull the link (43) downward. This causes the other arms (42) to pivot into a position so that the notch (44) of each arm engages with the respective U-shaped members (29).

This structure is substantially different than the claimed structure. First of all, claim 1 recites the element of a block portion facing the interior surface of the overhead door. The Office has alleged that the arm (42) is a disclosure of this block portion. The applicant respectfully disagrees. The block portion is disclosed as facing the overhead door. It is not an arm and it is not an arm that pivots. Even if the pivoting arm could be described as a block, it does not disclose a block that faces the interior surface of the overhead door. The portion of the pivot arm (42) that comes in contact with the member (29) is in a retracted position until the link (43) pulls it toward the member (29) for engagement.

The block portion of the claimed invention is novel over the Clark reference in that it eliminates the complexities involved in creating a pivoting arm, a linking of the pivoting arms, and the use of a trigger mechanism to cause the link to pull the pivoting arms into position for engaging the U-shaped member.

Claim 11 has been amended to include the element that the block portion faces the interior face of the door assembly. In addition, the preamble has been amended to more clearly identify the environment in which the invention can exist.

Claim 1 has been amended to indicate that the shim is mounted onto the roller shaft. Claim 11 has been amended to indicate that the shim is mounted onto the door assembly independent from the roller shaft. These elements are not described suggested or taught in Clark. The Office has alleged that the member (29) is a shim that is attached to the shaft portion (30). However, the applicant respectfully points out that the U-shaped member is

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neither a shim nor is it attached to the roller shaft as claimed. The U-shaped member (29) is described as including an offset arm (30). In operation, the offset arm operates as an axel for the rollers. However, the U-shaped member is a single unit and thus, does not describe, suggest or teach the element of a shim being attached to the roller shaft.

Claim 11 recites a shim that is mounted onto the overhead door independent of the roller shaft. Again, this element is not described, suggested or taught in Clark.

Because of at least the above-stated reasons, the applicant respectfully submits that independent claims 1 and 11, as amended are in condition for allowance and the applicant requests a favorable response from the Office.

Claim 15 is a method claim that recites the step of attaching a shim to the roller shaft and guide roller assembly. The member (29) as described in Clark is an integral portion of the roller assembly and is not attached. Therefore, the applicant respectfully asserts that Clark does not describe, suggest or teach the step of attaching a shim to the roller shaft and guide roller assembly and thus, claim 15 should be allowed.

The remaining claims are dependent that either depend directly or indirectly from the allowable claims 1, 11 or 15 and as such, are also in condition for allowance.

The applicant appreciates that Offices indication that claims 2-7 and 14 would be allowable is rewritten to overcome the rejections under 35 U.S.C. 112 and to incorporate the limitations of the base claim and any intervening claims. However, based on the points raised by the applicant and the amendments being provided, the applicant asserts that these claims are allowable as currently presented.

The applicant also expresses appreciation that the Office has indicated that claims 16-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, based on the points raised by the applicant and the amendments being provided, the applicant asserts that these claims are allowable as currently presented.

The applicants submit that the claims as submitted are directed towards subject matter that is not disclosed in the cited references and that would not have been obvious in view of the cited references. Thus, the applicants respectfully request the Office to move this case towards allowance. The applicant submits that no additional fees are required for the filing of this response.

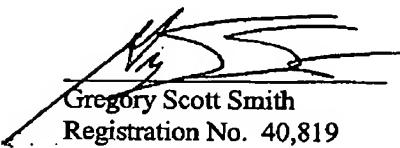
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The applicant's attorney can be reached at the following numbers if the Office has any issues regarding this response:

Office (770) 804-9070

Mobile (404) 643-3430

Respectfully submitted,



Gregory Scott Smith
Registration No. 40,819

LAVA Group Law by Smith & Frohwein, LLC
PO Box 88148
Atlanta, Georgia 30356
Telephone: (770) 804-9070
Facsimile: (770) 804-0900